United Nations A/C.3/54/L.87/Rev.1

General Assembly

Distr.: Limited
17 November 1999

Original: English

Fifty-fourth session
Third Committee
Agenda item 116 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Canada: revised draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[1] the Convention on the Prevention and Punishment of the Crime of Genocide[2] and other applicable human rights and humanitarian law standards,

Recalling its resolution 53/156 of 9 December 1998 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1999/20 of 23 April 1999,[3]

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Welcoming the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms as well as to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the region,

1. *Takes note with appreciation* of the report of the Special Representative on Rwanda of the Commission on Human Rights;[4]

[1] See resolutions 217 A (III), 2200 A (XXI), annex, and 44/128, annex.
[2] Resolution 260 A (III).
[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[4] A/54/359.

99-35263 (E) 171199

2. *Reiterates* its strong condemnation of the crime of genocide and the crimes against humanity committed in Rwanda in 1994;

3. *Reaffirms* that all persons who committed or authorized acts of genocide or other grave violations of human rights and international law are individually responsible and accountable for those violations;

4. *Expresses concern* that most of the perpetrators of the genocide and other gross violations of human rights continue to evade justice;

5. *Also expresses concern* that despite the imposition by the Security Council of an arms embargo upon the *Interahamwe* militias and the former members of the Rwandan armed forces, which has remained in force since the genocide of 1994, they continue to receive military, financial and logistical support, and in this regard calls upon the international community to take urgent measures to enable the disarmament of those groups in accordance with the letter and spirit of the Lusaka Ceasefire Agreement;

6. *Reiterates its request* that all States cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

7. *Encourages* the International Criminal Tribunal for Rwanda to adopt further measures to enhance its efficiency and effectiveness;

8. *Expresses continuing concern* at the violations of human rights and international humanitarian law in Rwanda, including the general conditions of detention and the judicial process of those accused of genocide and crimes against humanity, and urges the Government of Rwanda to continue to investigate and prosecute violations of human rights and international humanitarian law;

9. *Welcomes* the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system in accordance with international human rights standards;

10. *Encourages* the International Criminal Tribunal for Rwanda and the Government of Rwanda to continue to prosecute crimes of sexual violence committed against women during the 1994 genocide;

11. *Welcomes* the deliberations now ongoing in Rwanda to determine new mechanisms to handle the large caseload of detainees awaiting trial on genocide and related charges in a more expeditious manner, notes in this regard the proposal of the Government of Rwanda to establish a complementary system of participatory justice, urges the Government of Rwanda to ensure that any such system is in conformity with the law and international human rights standards, and encourages the community to assist in this area;

12. *Reiterates its appeal* to the international community to provide financial and technical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help strengthen the protection of genocide survivors and witnesses and the administration of justice, including with regard to adequate access to legal representation to prosecute those responsible for genocide and other violations of human rights and to

promote the rule of law in Rwanda, and notes with appreciation assistance already provided by some members of the donor community;

13. *Welcomes* the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights[5] and other relevant international human rights instruments;

14. *Notes* that in July 1999 the transitional Government mandate was extended for a further four years, commends the Government of Rwanda's holding of elections at the cell and sector levels in a peaceful and successful manner, and supports the Government of Rwanda in the continuation of its democratization process;

15. *Encourages* the Government of Rwanda to guarantee all freedoms of expression and opinion, including the freedom of the press;

16. *Commends* the Government of Rwanda on its continued efforts to improve the situation of children, and encourages it to continue further with these efforts, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;[6]

17. *Welcomes* the policy announcement by the Government of Rwanda to demobilize all child soldiers, and urges the Government of Rwanda to fully implement this policy;

18. *Welcomes* the establishment by legislation of the National Human Rights Commission, encourages the Government of Rwanda to provide its full support to the mandate of the Commission to enable it to monitor human rights in the country effectively and independently, in accordance with internationally recognized norms, notes the holding of a National Human Rights Commission round table in October 1999, and urges the Government of Rwanda to follow its recommendations to address weakness in legislation;

19. *Encourages* the Government of Rwanda to seek the cooperation of Governments, international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, the financial and technical support necessary for the reconstruction of a human rights infrastructure, including a strong civil society, in particular for the effective functioning of the National Human Rights Commission;

20. *Notes with appreciation* the continuing assistance provided to the National Human Rights Commission by the United Nations High Commissioner for Human Rights;

21. *Welcomes* the commitment of the Government of Rwanda to continue to promote national unity and reconciliation, and welcomes the establishment by legislation of the National Unity and Reconciliation Commission as a basis for the promotion of tolerance and non-discrimination;

22. *Encourages* the National Unity and Reconciliation Commission and the National Human Rights Commission to work closely together to ensure complementarity of their efforts;

23. *Reiterates* its concern at the conditions in many communal detention centres and some prisons in Rwanda, calls upon the Government of Rwanda to continue its efforts to ensure that persons in detention are treated in a manner that respects their human rights, emphasizes the need for greater attention and resources to be directed to this problem, and again urges the international community to assist the Government of Rwanda in this area;

---

[5] Resolution 217 A (III).

[6] Resolution 44/25, annex.

24. *Encourages* the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be formally charged and those who should be released immediately, early or conditionally;

25. *Urges* the Government of Rwanda to ensure that civil defence patrols in the north-western part of the country are properly controlled and held accountable for their actions;

26. *Encourages* the Government of Rwanda to continue, in cooperation with the Office of the United Nations High Commissioner for Refugees, to provide protection and assistance to returnees to Rwanda;

27. *Notes* the initiative by the Government of Rwanda to regroup scattered rural populations in the country under a programme of villagization in order to facilitate community development infrastructure, and urges the Government of Rwanda to ensure that the human rights and fundamental freedoms of all are respected in the implementation of this programme;

28. *Calls* for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission and all relevant national institutions regarding the functioning of the National Human Rights Commission;

29. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fifth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.